

PROB 12C
DMT Rev 01-17

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MONTANA
Petition for Warrant for Offender Under Supervision

Name of Offender: Leslie Eric Ackerman

Docket Number: 0977 4:04CR00108-001

Name of Sentencing Judicial Officer: THE HONORABLE SAM E. HADDON
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 01/13/2005

Original Offense: 18:2241A.F; AGGRAVATED SEXUAL ABUSE

Original Sentence: 180 months custody, 60 months supervised release

Date of Revocation: April 18, 2018

Revocation Sentence: 6 months Bureau of Prisons; 54 months Supervised Release

Date of Revocation: November 29, 2018

Revocation Sentence: 5 months Bureau of Prisons; 45 months Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: 04/19/2019

Assistant U.S. Attorney: Lori Harper Suck

2601 2nd Ave N, Box 3200, Billings, MT 59101, (406) 657-6101

Defense Attorney: Tony Gallagher

Federal Defenders Office, 104 2nd St South, Great Falls, MT 59401, (406) 727-5328

PETITIONING THE COURT

Background

On 01/13/2005, the defendant appeared for sentencing before THE HONORABLE SAM E. HADDON, UNITED STATES DISTRICT JUDGE, having pled guilty to the offense of 18:2241A.F; AGGRAVATED SEXUAL ABUSE. The offense involved the defendant sexually abusing his stepdaughter from ages 6 to 11 on a weekly basis. During the investigation of the instant offense, it was learned he had sexually assaulted several additional children. The defendant was sentenced to 180 months custody, followed by 60 months supervised release.

The defendant began his first term of supervised release on 02/27/2018. By 03/27/2018, a Petition for Warrant was filed after he was found in possession of methamphetamine and drug paraphernalia, and admitted to using methamphetamine and non-prescribed Tylenol 3.

On 03/29/2018, the defendant appeared for a revocation hearing before United States Magistrate Judge Johnston. He was sentenced to 6 months custody, followed by 54 months supervised release.

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The defendant began his second term of supervised release on 09/27/2018. On 11/19/2018, a Petition for Warrant was filed after the defendant admitted to consuming Spice and alcohol, missed a scheduled appointment with his chemical dependency counselor, and was terminated from the Sex Offender Treatment Program after his admission of using drugs and alcohol.

On 11/29/2018, the defendant was sentenced to 5 months custody followed by 45 months supervised release. He began his current term of supervision on 04/19/2019 and arrived in Great Falls with no money, shelter, and significant medical issues that would prevent him from obtaining employment.

On 06/05/2019, A Request for Modifying the Conditions or Term of Supervision was filed to include a requirement the defendant complete a Residential Re-entry Center Program where he would receive shelter, assistance in addressing medical issues and applying for Social Security, and work on securing a residence. The only Pre-Release that accepts sex offenders and with immediate availability was Pioneer Human Services in Spokane, Washington; however, it was known the defendant has stable and supportive family throughout the state of Washington. The defendant began his 180-day program at the Pre-Release Center on 06/12/2019.

On 11/14/2019, a Report on Offender Under Supervision was filed alleging that on November 3, 2019, while living at Pioneer Human Services in Spokane, the defendant's phone was taken from his possession by Pre-Release staff for a routine search. Staff found the defendant had, without authorization, turned on cellular data to allow himself access to the Internet. It was noted the defendant had been searching YouTube as well as a site called "MaturesForFuck.com" which is an explicit dating site that includes pornographic videos. Staff at Pioneer Human Services confiscated the defendant's phone with the instruction he is not to possess another device until authorized by this officer. The defendant received one minor Incident Report from the facility and was allowed to remain in the program.

On 11/20/2019, the defendant completed his program at the Spokane RRC and began supervised release in the Eastern District of Washington under the supervision of United States Probation Officer (USPO) P.J. Dennis.

On 01/07/2020, a second Report on Offender Under Supervision was filed after the defendant reported to USPO Dennis on 11/21/2019 for his intake meeting and provided a positive urinalysis for methamphetamine. USPO Dennis agreed to continue to work with the defendant in an effort to provide him the necessary counseling required to support the defendant's chemical dependency and mental health needs.

Since that time, the probation officer believes the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	
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	Mandatory condition: You must refrain from any unlawful use of a controlled substance.
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On 01/30/2020, the defendant provided a positive urinalysis test for methamphetamine.

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- 2 **Special condition:** You must participate in and successfully complete a program of substance abuse treatment as approved by the probation officer. You must remain in the program until you are released by the probation officer in consultation with the treatment provider. You must pay part or all of the costs of this treatment as directed by the probation officer.

The defendant failed to report for a scheduled mandatory chemical dependency assessment on 01/23/2020 and 01/27/2020.

- 3 **Mandatory condition:** You must refrain from any unlawful use of a controlled substance.

On 02/12/2020, the defendant provided a positive urinalysis test for methamphetamine. The defendant signed an admission form and reported to USPO Dennis he is "just smoking here and there."

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a warrant.

Reviewed

Respectfully Submitted

By:

By:

Kevin Heffernan
Supervising United States Probation Officer
Date: 02/18/2020

Annie Bambenek
United States Probation Officer
Date: 02/18/2020

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ORDER OF COURT

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 18th day of February, 2020, and ordered filed **UNDER SEAL** and made a part of the records in the above case.

IT IS FURTHER ORDERED that upon notification to the Clerk of Court's Office that the above named Defendant has been taken into custody, the Petition for Warrant or Summons for Offender Under Supervision shall be unsealed.



Brian Morris

United States District Judge

2/18/2020

Date